

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JAMES SWEENEY, et al.,

Plaintiffs,

**ORDER**

CV 08-4417(ARL)

-against-

UNITED STATES POSTAL SERVICE, et al.,

Defendants.

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**LINDSAY, Magistrate Judge:**

Before the court is the defendant United States Postal Service's ("USPS") letter application dated July 25, 2011, seeking (i) to compel seventeen plaintiffs to provide complete responses to the Individual Interrogatories; (ii) to compel plaintiffs to provide complete responses to the Collective Interrogatories; and (iii) sanctions. The plaintiffs oppose the motion. The motion is granted, in part.

By way of background, the plaintiffs consist of forty-one mail carriers who contend that they are the victims of age discrimination. On January 31, 2011, USPS served each opt-in plaintiff with twenty-two interrogatories and in addition served an interrogatory demand on the plaintiffs collectively. The plaintiffs objected to both sets of interrogatories, and by Order dated April 28, 2011 the undersigned directed the plaintiffs to respond to both sets of interrogatories. USPS asserts that although twenty-four of the forty-one plaintiffs responded completely to the Individual Interrogatories, plaintiffs William Sheehy and Gerard Bobb, have not responded at all, and the following fifteen plaintiffs, have not provided a complete response to the interrogatories: Matthew Abbatiello, Edwin Acosta, Neill Ambrosio, Edward Anderson, Gary Donnelly, Donna Ernst, Christopher Gill, Regina Ianella, Glenn James, Garry Kenney, Jean Lekoski, Pamela Rizzo, Raymond Scevola, Joseph Schneider and Maureen Schubert. In addition, USPS avers that none of the plaintiffs have responded to the Collective Interrogatories. By letter dated July 26, 2011, plaintiffs represent that they are serving defense counsel on the same date by U.S mail delivery (i) the Individual Interrogatory Responses for the following plaintiffs: Matthew Abbatiello, Edwin Acosta, Edward Anderson, Gerard Bobb, Gary Donnelly, Donna Ernst, Christopher Gill, Pamela Rizzo, Raymond Scevola, Joseph Schneider, Maureen Schubert and William Sheehy; and (ii) the Collective Interrogatory Responses. In addition plaintiffs represent that they anticipate completing and serving the Individual Interrogatory Responses for Neil Ambrosio, Regina Ianella, Glenn James, Garry Kenney and Jean Lekoski within two (2) weeks. Plaintiffs are directed to provide complete responses to all outstanding discovery demands by August 16, 2011. Failure to comply with this order may result in the imposition of sanctions against any non-complying opt-in plaintiff and/or an order of preclusion against plaintiffs from relying on the class-wide information sought by the Collective Interrogatories.

Dated: Central Islip, New York  
August 2, 2011

**SO ORDERED:**

\_\_\_\_\_/s\_\_\_\_\_  
ARLENE ROSARIO LINDSAY  
United States Magistrate Judge